

## **REMARKS/ARGUMENTS**

In the Office Action, the Examiner allowed claims 24-26 and 47; allowed claims 39-41 and 43-45 if rewritten in independent form including all of the limitations of the base claim and any intervening claims; rejected claims 1-6, 11-16, 21, 29-33, and 46 under 35 U.S.C. 103(a) as being unpatentable over *Ruszczyk* (U.S. Patent No. 6,205,150) in view of *Yin* (U.S. Patent No. 5,926,458); rejected claims 7-10, 17-20, and 34-37 under 35 U.S.C. 103(a) as being unpatentable over *Ruszczyk* in view of *Yin* and further in view of *Yin et al.* (U.S. Patent No. 6,442,138); and also rejected claims 22, 23, 27, 28, 38, and 42 under 35 U.S.C. 103(a) as being unpatentable over *Ruszczyk* in view of *Yin* and further in view of *Yin et al.* The rejections are fully traversed below. Reconsideration of the application is respectfully requested based on the following remarks. Claims 1, 11, 21, 22, 27, 28, 39, 43, and 46 have been amended. Accordingly, claims 1-47 remain pending in this application.

## **ALLOWABLE SUBJECT MATTER**

It is respectfully submitted that claims 39 and 43 are in condition for allowance since they have been rewritten in independent form including all of the limitations of the base claim and any intervening claims as pointed out by the Examiner. It is also respectfully submitted that claims 40, 41, 44, 45 are allowable since they depend directly or indirectly from claims 39 or 43.

## **PATENTABILITY OF CLAIMS 1-23, 27-38, 42, and 46**

Claim 1 is directed to providing load information for one or more data streams within a network having a plurality of ingress routers, a plurality of core routers, and a plurality of egress routers. Claim 1 as amended requires, among other things, “metering a load value for each service class of at least one of the packets, the load value indicating a number count of streams for each service class”. That is, in the context of claim 1, at least one of the packets received is metered for the number count of streams in each service class. Support for the amendment may be found in the specification on page 10, line 18 to page 11, line 4; and elsewhere.

Claim 22 is directed to allocating resource to one or more data streams within a network having a plurality of ingress routers, a plurality of core routers, and a plurality of egress routers. Claim 22 as amended requires, among other things, “receiving one or more tickets into a selected core router, the tickets indicating a total load for each one of a plurality of service classes, the total load indicating a total number count of streams for each one of the plurality of service classes”. That is, in the context of claim 22, the tickets indicate the total number count of streams in each service class. Support for the amendment may be found in the specification on page 10,

line 18 to page 11, line 4; and elsewhere. Claims 11, 21, and 46 require a similar limitation as noted for claim 1 whereas claims 27 and 28 require a similar limitation as noted for claim 22.

One of the many advantages provided by the present invention is for determining load information (*e.g.*, the number of streams) for each class that is being received by a particular core router or group of core routers. The core router(s) may utilize this load information to calculate new bandwidth assignments on a per stream basis, for example. That is, the core router may be able to dynamically allocate bandwidth for each stream within each class. The resource allocation can be based on the actual load being utilized by the streams of a given class. (See page 10 lines 10-16) The actual number *count* of streams facilitates in determining the load information and in calculating new bandwidth assignments on a per stream basis. (*e.g.*, see Figure 4)

In contrast, the cited references lack the advantages of the present invention. This is because the cited references, taken alone or in combination, fail to teach or suggest metering a load value or indicating a total load in the manner claimed. That is, the cited references do not provide load information that indicates the number count of streams (*i.e.*, streams count).

Specifically, as already noted by the Examiner, “*Ruszczuk* fails to explicitly disclose of metering a load value for each service class and the particular destination of at least one of the packets and periodically transmitting one or more tickets to the destination to indicate the load value of each of the one or more service class.” Although the Examiner cited *Yin* as disclosing the load value as claimed, the undersigned respectfully disagrees. This is because *Yin* merely discloses a load value that corresponds to the length of each packet and does not indicate the number count of streams. In fact, *Yin* merely discloses providing queue status information transmitted on communication link 56 that may include the “size” of the packet at the head of each queue. (See column 4, lines 44-47) However, *Yin* explicitly refers to “size” as the length of each packet. (See column 1, lines 47-50; column 2, lines 1-4) This reference is consistent with how *Yin* teaches a system for servicing multiple queues that identifies a queue service time associated with each of the multiple queues. That is, the length of the data packet at the head of the queue is used when determining the queue service order. (See Abstract and particularly column 6, lines 37-38) Therefore, it is submitted that claims 1, 11, 21, 22, 27, 28, and 46 are patentably distinct from *Ruszczuk* and *Yin*. Similarly, it is submitted that claims 1, 11, 21, 22, 27, 28, and 46 are also patentably distinct from *Yin* et al.

The Examiner's rejections of the dependent claims are respectfully traversed. However, to expedite prosecution, all of these claims will not be argued separately. Claims 2-10, 12-20, 23, 29-38, and 42 each depend either directly or indirectly from independent claims 1, 11, 21, 22, 27, or 28 and, therefore, are respectfully submitted to be patentable over cited arts for at least the reasons set forth above with respect to claims 1, 11, 21, 22, 27, or 28. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited arts. For example, claims 3 and 4 respectively require among other things that "the one or more tickets indicate a total number of streams for each class that is being transmitted to the destination" and "each ticket indicates a total number of streams for a particular class that are being transmitted to the destination. Claims 13 and 14 require a similar limitation.

### SUMMARY

It is respectfully submitted that all pending claims are allowable and that this case is now in condition for allowance. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

If any fees are due in connection with the filing of this Amendment, the Commissioner is authorized to deduct such fees from the undersigned's Deposit Account No. 50-0388 (Order No. CISC127).

Respectfully submitted,  
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